



## GUIDANCE

### ON DUE DILIGENCE FOR EU BUSINESSES TO ADDRESS THE RISK OF FORCED LABOUR IN THEIR OPERATIONS AND SUPPLY CHAINS<sup>1</sup>

#### INTRODUCTION

An estimated 25 million people are in forced labour globally.<sup>2</sup> Out of this number, 16 million are exploited in the private sector, 4.8 million are in forced sexual exploitation and 4 million in forced labour imposed by state authorities. Women and girls are disproportionately affected by forced labour.

Combatting forced labour is a priority for the EU.<sup>3</sup> In line with the EU Charter of Fundamental Rights, the EU is committed to eliminating all violations of fundamental principles and rights at work, including forced labour, promoting the protection of victims of business-related abuses, as well as ratification and effective implementation of ILO fundamental conventions. In accordance with the EU Treaties, the EU promotes respect for human rights, including labour rights, in the world. This includes also a long standing commitment of the EU to “decent work”<sup>4</sup>.

Responsible business conduct by European companies plays a crucial role in ensuring that EU policies on human rights are effectively implemented, including with regard to labour. The EU is committed to promoting the implementation of responsible business conduct<sup>5</sup> across all sectors of production and all levels of the supply chain and the protection of victims of business-related human rights violations and abuses, and calls on EU companies to respect human rights, including labour rights, regardless of their location, size, sector, operational context, ownership and structure.

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<sup>1</sup> The information set out in this document does not necessarily reflect the official position of the European Commission or the European External Action Service, which under no circumstances can be held liable or responsible for the use that may be made thereof.

<sup>2</sup> Global Estimates of Modern Slavery (2017); [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf)

<sup>3</sup> See for instance EU Action Plan on Human Rights and Democracy 2020-2024 <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf>

<sup>4</sup> E.g. European Commission Communication, Promoting decent work for all - The EU contribution to the implementation of the decent work agenda in the world, COM/2006/0249 final; Council Conclusions on Human Rights and Decent Work in Global Supply Chains, December 2020;

<sup>5</sup> See European Commission, Staff Working Document, Corporate Social Responsibility, Responsible Business Conduct, and Business & Human Rights: Overview of Progress, March 2019; [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2019\)143&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2019)143&lang=en)

## PURPOSE

In the Communication *Trade Policy Review* on 18 February 2021<sup>6</sup> the European Commission committed to provide guidance to assist EU businesses on taking appropriate measures to address the risk of forced labour in their operations and supply chains, in line with international due diligence guidelines and principles. This document replies to this commitment.

This document is intended to provide European companies with practical guidance to implement effective human rights due diligence practices to address the risk of forced labour in their supply chains.<sup>7</sup> In particular, the guidance explains the practical aspects of due diligence and provides an overview of international standards on responsible business conduct and due diligence that are relevant for combatting forced labour.

### Recognising forced labour

**Forced labour** - The internationally recognised definition of forced labour is to be found in ILO Convention No. 29 on Forced Labour as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Examples of forced labour (on their own or in combination with others):

- State-orchestrated programmes imposing forced labour of administratively detained persons, prisoners in pre-trial detention, political prisoners, persons detained for trade union activity or peaceful assembly;
- Debt bondage linked to recruitment fees and/or in the context of trafficking in human beings
- “Forced cropping”, i.e. compulsory cultivation that ties farmers to their land and forces them to sell their produce to a mandatory concession holder;
- Reliance on “labour discipline” for production, i.e. an obligation to work as a sanction for violating company rules or failing to complete production quota;
- Recruitment of children into the armed forces or paramilitary organizations;
- Restrictions of the ability of workers to change employers or allowed to leave host country without the permission of employer;
- Restrictions of the movement of workers coupled with other coercive measures (e.g. threat or use of force);
- Use of irregular, delayed, deferred or non-payment of wages as a means to bind employees to employment;
- Forcing workers to work more overtime hours than allowed by national law or (when relevant) collective agreements under the menace of penalty.

<sup>6</sup> European Commission Communication, Trade Policy Review -An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final; [https://trade.ec.europa.eu/doclib/docs/2021/february/tradoc\\_159438.pdf](https://trade.ec.europa.eu/doclib/docs/2021/february/tradoc_159438.pdf)

<sup>7</sup> This document provides practical guidance on the effective use of existing international, voluntary, due diligence guidelines and principles. It does not create any legal obligations for companies. It has, therefore, a non-legally binding character.

The Guidance only addresses the risk of forced labour and does not cover due diligence for other supply chain risks.

The EU has already put in place mandatory standards in some sectors and actively promotes the effective implementation of international standards on responsible business conduct. Relevant international instruments include:

- *United Nations Guiding Principles on Business and Human Rights* ([link](#))
- *Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises (MNE)* ([link](#))
- *OECD Due Diligence Guidance for Responsible Business Conduct* ([link](#))
- *International Labour Organisation (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy* ([link](#))
- *Fundamental ILO conventions* ([link](#))

As announced in the European Commission 2021 Work Programme, the Commission is currently preparing a legislative proposal on *Sustainable Corporate Governance*<sup>8</sup> to foster long-term sustainable and responsible corporate behaviour. The future proposal will introduce mandatory human rights and environmental due diligence, including on risks linked to forced labour.

For the purpose of this guidance, in line with the language used in the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises, due diligence is the process that businesses should carry out to identify, prevent, mitigate and account for how they address actual and potential forced labour risks in their own operations, supply chains and business relationships.

Effective due diligence should be supported by efforts to embed responsible business conduct into policies and management systems and aims at enabling enterprises to prevent and mitigate adverse impacts that they cause or to which they contribute.

Businesses are encouraged to assess the potential exposure of their supply chain to activities causing or contributing to human rights abuses or violations and to implement appropriate due diligence policies to ensure compliance with international due diligence and labour standards on forced labour.

Additional information and support on how to address forced labour can be provided by:

- *ILO Helpdesk for Business and International Labour Standards* ([link](#))
- *ILO Handbook for Employers & Business on Combating Forced Labour* ([link](#))
- *OECD National Contact Points for Responsible business conduct* ([link](#))

## **DUE DILIGENCE – PRACTICAL ASPECTS**

Effective due diligence allows companies to identify and address the potential and actual adverse human rights and environmental impacts linked to their operations, products or

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<sup>8</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12548-Sustainable-corporate-governance\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12548-Sustainable-corporate-governance_en)

services, including in their supply chains and business relationships. It is an on-going, proactive and reactive process aimed at achieving continuous improvements. Managing labour and human rights risks may be required by government legislation, by investors or business partners. In addition, due diligence may help protect a company's commercial reputation and reduce litigation costs.

Due diligence should be commensurate with risks and appropriate to the individual company's circumstances and context, including the specificities of the upstream tiers of the supply chain and the company's size. In addition, due diligence should apply not only to the possible negative impacts that the company may cause or to which it could contribute as a result of its own activities, products or services, but also to the impacts linked to its business relationships, including its subsidiaries, suppliers and contractors. Since due diligence should be adapted to the nature of the risks, it may be important to consider how these risks affect different groups, such as women, religious or ethnic minorities.

Further, as well as helping companies proactively engage with and address risks in their supply chain, including in high-risk contexts, due diligence can also help companies make decisions on when and how to responsibly disengage from suppliers or business relationships.

Using the OECD due diligence framework as a reference, effective due diligence consists of a six-step framework<sup>9</sup>:

1. Embed responsible business conduct into the company's policies and management systems
2. Identify and assess actual or potential adverse impacts in the company's operations, supply chains and business relationships
3. Cease, prevent and mitigate adverse impacts
4. Track implementation and results
5. Communicate how impacts are addressed
6. Provide for or cooperate in remediation when appropriate

## **SPECIFIC CONSIDERATIONS FOR FORCED LABOUR**

When implementing due diligence procedures, the following specific considerations will be particularly relevant:

**Policies and management systems** should be tailored to the risk of forced labour. This includes:

- Stipulating a "zero-tolerance policy" for forced labour, accompanied with other policies relevant to how forced labour may arise in the supply chain of the company, e.g. in relation to recruitment and retention practises, subcontracting, use of recruitment agencies, state-sponsored forced labour.
- The policy and management systems should clarify that suppliers and staff will not face reprisals for reporting risk or instances of forced labour. It must not discourage suppliers

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<sup>9</sup> See OECD Due Diligence Guidance for Responsible Business Conduct, p. 21-35, 2018. For an overview of the actions under each step, see Annex.

or staff from reporting risk or instances of forced labour, and instead provide a clear procedure of how any reported risks will be addressed and, if needed, escalated.

- Building awareness with key company staff (such as buyers or procurement officers) and suppliers on what constitutes forced labour (e.g. their common forms, types of vulnerable workers and supply chains, and the expectations of suppliers especially those operating in higher-risk contexts). Internal company awareness of how its own activities, such its purchasing practices, may increase the risk of unauthorised subcontracting and other forced labour risk factors will be particularly important.

**Risk factors for forced labour** commonly referred to as '*red flags*' (i.e. indicators for risks)<sup>10</sup> to consider when scoping supply and value chains as part of due diligence:

*a) Country risk factors*

- Countries that have not ratified the ILO fundamental conventions<sup>11</sup> or have a weak record of implementation.<sup>12</sup>
- Countries with state-orchestrated programmes including but not limited to:
  - mass mobilisation for large-scale national development programmes (particularly in centrally-planned economies).
  - labour and/or vocational programmes targeted at persons belonging to minorities (e.g. ethnic or religious).
- Legal regimes outlawing peaceful strike action.
- Countries with prison labour policies and programmes.<sup>13</sup>
- Inability to conduct in-depth risk assessments, for example through threats or enforced presence of government/employers etc.

*b) Risk factors linked to migration and informality*

- Employment of migrant workers, in particular of irregular migrant workers.
- Workers recruited via third parties including government recruiters.
- Workers in on-site accommodation, or off-site accommodation linked to the employer.
- Presence of informally employed workers.
- Absence of written employment contracts.
- Presence of children and adolescents in the workplace, in particular in hazardous environments.
- Workers do not speak the local language.

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<sup>10</sup> In case 'red flags' for forced labour are identified in supply chains, it should trigger enhanced due diligence to assess the risk of forced labour, that is, to delve deeper and map the factual circumstances of the red-flagged operations, supply chains, and business partners. This could include additional stakeholder engagement and on-the-ground assessments, tailored to collecting information relating to the risk factor.

See below section: "*Considerations when carrying out in-depth risk assessments of specific high-risk suppliers of supply chain segments*"

<sup>11</sup> <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11001:0::NO::>

<sup>12</sup> <https://www.ilo.org/dyn/normlex/en/f?p=1000:11000::NO::>

<sup>13</sup> Labour exacted from prison workers is not generally considered forced labour under international law. However; "involuntary work performed by prisoners who have not been convicted in a court of law and whose work is not supervised by a public authority is considered forced labour. Similarly involuntary work performed by a prisoner for the benefit of a private undertaking is also considered forced labour." See OECD (2017) Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector, p. 129, with reference to ILO (2015) Combatting Forced Labour: A Handbook for Employers and Business.

*c) Risk factors linked to presence of debt risk factors*

- Existence of credit-arrangements and debt schemes for workers.
- Restrictions on the ability of workers to freely dispose of their wages (e.g. a disproportionate portion of their wages is deducted for accommodation).
- Workers do not have free access to their identity and residency documents.
- Forcing workers to work more overtime hours than allowed by national law or (when relevant) collective agreements under the menace of penalty.<sup>14</sup>
- Incidence of physical or psychological abuse, violence or harassment.

Considerations when carrying out **in-depth risk assessments** of specific high-risk suppliers or supply chain segments:

- Strengthening checks where the risk is higher, for example by carrying out in-depth assessments of recruitment agencies used by suppliers, or 'choke points', such as commodity traders, that source raw materials or operate upstream in high-risk areas.
- Carrying out extensive stakeholder engagement in areas with heightened risk, for example with trade unions, civil society or other experts.
- Enhancing training for staff and suppliers in high risk areas, and establishing stronger prequalification processes for suppliers.
- Ensuring independent and unannounced access to worksite and workers to collect information and carry out work-place assessments.
- Interview workers in a secure environment, without the presence of their managers, with the assistance of an interpreter if necessary (e.g. in case of migrant workers or workers belonging to national minorities).

Considerations when taking **action to address risks of forced labour**:

- Support, including where appropriate financial support, for suppliers and business partners to implement agreed corrective action plans.
  - Support company-level social dialogue providing workers' representatives with the necessary means to assist in the development of effective collective agreements.
  - Include credible threats and terms for disengagement if improvement is not demonstrated, in line with agreed timelines and indicators in corrective action plans.
  - Measures to address risk may differ depending on whether the company seeks to (a) disengage with suppliers or business partners and avoid the identified risks of forced labour; or (b) stay engaged to prevent or mitigate the adverse impacts of forced labour practices, in terms of influencing government policy and factory hiring practices.

Consideration when dealing with risks of **state-sponsored forced labour**:

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<sup>14</sup> "While not all overtime is considered forced labour; forced labour does occur if overtime is compulsory and exceeds the weekly or monthly limits allowed by laws, irrespective of the reasons for such overtime "; see OECD (2017) p. 129 and ILO (2015).

- It is important to analyse whether suppliers or business partners have the autonomy to select suppliers or materials from a source of their choosing, or otherwise have discretion to participate in state-sponsored labour programmes.
- It is also important to consider steps that can be taken to communicate to governments responsible for state-sponsored forced labour policies, through direct communications or through letters from industry associations.
- Such communications may include:
  - An expression of serious concern over reports of forced labour.
  - A request for information and transparency, including related to: information on site level production, trade, type of employment, contracts and freedom of movement.
  - A request for independent access for auditors and assessors.
  - A request for the government to engage with international observers and relevant multilateral organisations, such as the United Nations or the International Labour Organization
  - Timelines and consequences of inaction.

#### Considerations for **responsible disengagement**:

- Forced labour has a severe adverse impact. Disengagement from a business relationship is appropriate as a last resort after failed attempts at preventing or mitigating severe impacts, when adverse impacts are irremediable, where there is no reasonable prospect of change, or when the entity causing the impact does not take immediate action to prevent or mitigate identified impacts.
- A real possibility of disengagement is necessary in many instances for an enterprise's leverage to be effective. In these situations enterprises should also consider and address the potential adverse impacts of a decision to disengage. If an enterprise determines that disengagement is the most appropriate action, there are a range of measures it may take to ensure that its disengagement process is responsible, for example:
  - Comply with national laws, international labour standards and the terms of collective bargaining agreements.
  - Articulate escalation measures for disengagement upfront with the business relationship.
  - Provide detailed information supporting the decision to disengage to management and to the trade union, where one exists.
  - Where feasible, provide sufficient notice of the disengagement to the business relationship.
- It may not always be possible for an enterprise to end a business relationship on short notice, for example where the term of the business relationship is dictated by contract or practical considerations (e.g. an investment in a pooled portfolio) or where the supplier is a crucial business relationship (e.g. a critical raw material essential to the core product available only from a small group of suppliers operating in a high-risk context). In such cases, it is recommended that enterprises:
  - Report the situation to the most senior level of the enterprise;
  - Continue to monitor the business relationship, and revisit the decision to continue the business relationship where circumstances change;
  - Explain the decision not to end the business relationship - how this decision aligns with policies and priorities, what actions are being taken to attempt to apply leverage

to mitigate the impacts, and how the business relationship will continue to be monitored in future

#### Considerations for remediation:

- When an enterprise identifies that it has caused or contributed to actual adverse impacts, it should address such impacts by providing for or cooperating in their remediation.
- Seek to restore the affected person or persons to the situation they would be in had the adverse impact not occurred (where possible) and enable remediation that is proportionate to the significance and scale of the adverse impact.
- Consult and engage with impacted rights holders and their representatives in the determination of the appropriate remedy.
- Forced labour is a crime.<sup>15</sup> Companies should put in place a system to report crimes to local authorities. Where they have caused or contributed to forced labour, companies should cooperate with local authorities to help provide appropriate forms of remedy.

#### CROSS-CUTTING CONSIDERATIONS FOR CONDUCTING RESPONSIBLE BUSINESS CONDUCT DUE DILIGENCE

##### Considerations when applying **gender-responsive due diligence**:

- Risks of harm in the supply chain often differ for men and women. For example, women are more likely to be paid lower wages than men and are more often linked to precarious, informal or irregular employment (risk factors for forced labour).
- Women may suffer disproportionately from sexual and gender-based violence and harassment at the workplace to bring or keep them in forced labour.
- When scoping the risks of harm, businesses should consider contexts where women may be disproportionately impacted, for example:
  - In contexts where women face severe discrimination.
  - In conflict and post-conflict contexts.
  - In sectors and global supply chains in which large numbers of women are employed such as, apparel, electronics, tourism, health and social care, domestic work, agriculture and fresh cut flowers.
- Additionally, companies may need to adjust the actions they take to identify, prevent, mitigate and address those impacts, such as:
  - Collecting and assessing gender-disaggregated data.
  - Identifying overlapping/accumulated vulnerabilities (e.g. indigenous, illiterate, female worker).
  - Developing gender-sensitive warning systems and protection of whistle blowers, as well as assessing if grievance mechanisms are gender-sensitive, taking into consideration the obstacles that may prevent women from accessing them.

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<sup>15</sup> As defined by Article 2(1) of ILO Convention no. 29, excluding situations covered by Article 2(2) of the Convention.



- Supporting women's equal and meaningful participation in consultations and negotiations.

#### Considerations relating to discrimination of **ethnic or religious minorities**:

- Instances of forced labour targeted against a particular ethnic or religious group, or that disproportionately affects a particular ethnic or religious group in practice, may be part of a wider policy of discrimination<sup>16</sup>, either by government or company policy.
- In this case, EU companies should still take action to ensure that their businesses or supply chains are neither directly nor indirectly contributing to such policies or practices and to seek to cease, prevent or mitigate adverse impacts (through using leverage or disengagement, for example) to which they are directly linked, even if they have not contributed to those impacts.

#### Considerations when dealing with forced labour risk associated **with raw materials of unknown or high-risk origin**:

- It is important to devise and adopt a binding, time-bound and measurable plan with suppliers or other business partners to credibly obtain and verify information on origin.
- If after implementing the plan, the origin is still unknown or declared as coming from a high-risk country, assess whether independent access to worksite and workers to collect information and carry out work-place assessments is feasible. If not feasible, direct suppliers to source materials from commodity traders outside of high-risk area.

#### LIST OF RELEVANT EU AND INTERNATIONAL INSTRUMENTS

List of existing EU and international instruments or initiatives on responsible business conduct and due diligence applicable to EU companies and that are relevant to forced labour.<sup>17</sup>

#### European Union

**Responsible Minerals:** The [EU Responsible Minerals Regulation](#)<sup>18</sup> lays down supply chain due diligence obligations for EU importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas with the aim to break the nexus between mineral trade, armed conflict and human rights abuses.

<sup>16</sup> I.e. discrimination occurs when one protected group (in this case ethnic or religious minorities) is – either explicitly (in policy) and/or in practice - disproportionately affected by an adverse practice (in this case forced labour).

<sup>17</sup> This document does not include national instruments and legislations that could also be relevant for forced labour due diligence.

<sup>18</sup> Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1–20). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0821>

**Non-Financial/Corporate sustainability Reporting:** The [EU Non-Financial Reporting Directive \(NFRD\)](#)<sup>19</sup> requires large listed companies, banks and insurance companies with more than 500 employees to report information regarding the environment, social and employee issues, human rights, and bribery and corruption, on an annual basis, including information on due diligence processes implemented to manage risks linked to the companies' operations. Based on the Directive, the European Commission has issued non-binding [Guidelines on non-financial reporting](#)<sup>20</sup> with the purpose to help companies disclose non-financial information in a relevant, useful, consistent and more comparable manner. The Directive is currently subject to review. In April 2021, the Commission adopted a proposal for a [Corporate Sustainability Reporting Directive \(CSRD\)](#), which will amend the existing reporting requirements of the NFRD. The proposal foresees the establishment of Sustainability reporting standards, including an obligation for companies to disclose how they respect fundamental ILO conventions.

### **Organization for Economic Cooperation and Development (OECD)**

The [OECD Guidelines for Multinational Enterprises](#)<sup>21</sup> are recommendations from governments to companies regarding responsible business conduct in areas such as human rights, labour, environmental, corruption and consumer protection. Governments adhering to the Guidelines are required to set up a National Contact Point (NCP), which advises enterprises on appropriate measures and provide a mediation and conciliation platform for resolving practical issues that may arise with the implementation of the Guidelines.

The [OECD Due Diligence Guidance for Responsible Business Conduct](#) is aimed at assisting companies implement the due diligence recommendations of the OECD Guidelines for Multinational Enterprises.

The OECD has also issues the following sector-specific due diligence guidance:

- Responsible minerals ([link](#))
- Garment and Footwear ([link](#))
- Agriculture ([link](#))
- Extractives ([link](#))
- Financial sector ([link](#))
- Child labour in minerals supply chains ([link](#))

### **United Nations**

The UN Guiding Principles on Business and Human Rights ([link](#)) (UNGPs), unanimously endorsed by UN member states in June 2011, are the first global standard for preventing and addressing the risk of adverse impacts on human rights related to business activities and provide the first internationally agreed framework on business and human rights. According to the UNGPs, the responsibility of business enterprises to respect human rights refers to

<sup>19</sup> Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups (OJ L 330, 15.11.2014, p. 1-9). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0095>

<sup>20</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0705(01))

<sup>21</sup> <http://mneguidelines.oecd.org/guidelines/>

internationally recognised human rights understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work ([link](#)). The Office of the High Commissioner for Human Rights (OHCHR) has issued an Interpretive Guide to the Corporate Responsibility to Respect Human Rights ([link](#)).

The core UN Human Rights Instruments can be accessed here ([link](#)). For assessing country-specific risks, companies can also consult for instance the reports of the of the UN monitoring bodies ([link](#)), the recommendations of the Human Rights Council's Universal Periodic Review (UPR) ([link](#)) or the work of relevant UN Special Rapporteurs (e.g. Special Rapporteur on contemporary forms of slavery ([link](#))).

### **International Labour Organization**

The ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy ([link](#)) provides policy guidance to enterprises, governments, and employers' and workers' organisations to create an enabling environment for responsible business conduct in areas such as employment, training, conditions of work and life and industrial relations, based on international labour standards.

The ILO Declaration on Fundamental Principles and Rights at Work ([link](#)) requires States to respect and promote principles and rights of freedom of association and collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.

Relevant ILO instruments are listed below.

Conventions directly addressing forced labour:

- C029 - Forced Labour Convention, 1930 (No.29) ([link](#))
- P029 - Protocol of 2014 to the Forced Labour Convention ([link](#))
- C105 - Abolition of Forced Labour Convention, 1957 (No.105) ([link](#))
- C182 - Worst Forms of Child Labour Convention, 1999 (No.182) ([link](#))

Key conventions addressing risk factors for forced labour:

- C138 - Minimum Age Convention, 1973 (No. 138) ([link](#))
- C87 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ([link](#))
- C98 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98) ([link](#))
- C100 – Equal Remuneration Convention, 1951 (No. 100) ([link](#))
- C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ([link](#))
- C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) ([link](#))
- C155 – Occupational Safety and Health Convention, 1981 (No. 155) ([link](#))
- C190 – Violence and Harassment Convention, 2019 (No. 190) ([link](#))

Relevant recommendations:

- R203 - Forced Labour Recommendation, 2014 (No. 203) ) ([link](#))
- R190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190) ([link](#))
- R146 - Minimum Age Recommendation, 1973 (No. 146) ([link](#))
- R164 – Occupational Safety and Health Recommendation, 1981 (No. 164) ([link](#))
- R171 – Occupational Health Services Recommendation, 1985 (No. 171) ([link](#))
- R197 – Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197) ([link](#))
- R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) ([link](#))
- R206 - Violence and Harassment Recommendation, 2019 (No. 206) ([link](#))

For general and country-specific due diligence information, companies can consult the:

- the ILO General principles and operational guidelines for fair recruitment (2019) ([link](#))
- comments of the ILO Supervisory bodies on the application of C29, C105, C182 ([link](#)),
- the ILO General Survey on the fundamental Conventions concerning rights at work (in 2007 ([link](#)) & 2012 ([link](#)),
- the ILO Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (2017) ([link](#))
- publications on forced labour by the ILO “social partners” International Trade Union Federation (ITUC) ([link](#)) and International Organisation of Employers (IOE) ([link](#))

For sectoral and forced labour specific information collected by the ILO, please see:

- Forced labour horizontally ([link](#))
- ILO indicators of forced labour ([link](#))
- ILO information on different sectors ([link](#))
- Fisheries ([link](#))

## **ADDITIONAL INFORMATION**

### **Alignment Assessment**

Industry, multi-stakeholder and government-backed schemes and programmes may serve as further tools in support of companies’ implementation of due diligence.

The OECD has developed and pilot-tested an assessment methodology for evaluating the extent to which such schemes align with the detailed recommendations for due diligence agreed by government, industry and civil society stakeholders.

See for further information: Garment and Footwear ([link](#)); Minerals ([link](#))

### **Business networks on decent work in global supply chains**

Business networks on decent work in global supply chains provide businesses with peer-to-peer information and offer possibilities to take joint action and to make auditing more efficient. Examples include:

- ILO Global Business Network on Forced Labour ([link](#))
- amfori – trade with purpose ([link](#))
- Responsible Business Alliance ([link](#))
- Ethical Trading Initiative ([link](#))

#### **ANNEX – OECD DUE DILIGENCE PROCEDURE: STEPS & ACTIONS**

STEP	ACTIONS
<b>1. Embed responsible business conduct into the company's policies and management systems</b>	<ul style="list-style-type: none"> <li>• Devise, adopt and disseminate RBC policy issues that articulate the company's commitment to due diligence principles and standards from relevant instruments.</li> <li>• Embed the company's RBC policies into company oversight bodies and management systems as part of regular business processes.</li> <li>• Incorporate RBC policies and expectations in supplier and business relationships.</li> </ul>
<b>2. Identify and assess actual or potential adverse impacts in the company's operations, supply chains and business relationships</b>	<ul style="list-style-type: none"> <li>• Carry out a broad scoping exercise to identify operations and relationships where RBC risks are most likely to be present and be most significant.</li> <li>• Carry out iterative and increasingly in-depth assessments on the most significant risks from operations and relationships.</li> <li>• Assess the company's involvement with the actual or potential adverse impact to determine the appropriate responses, and in particular whether the company causes, contributes or is directly linked to the adverse impact.</li> <li>• Prioritise where necessary the most significant risks and adverse impacts for action.</li> </ul>
<b>3. Cease, prevent and mitigate adverse impacts</b>	<ul style="list-style-type: none"> <li>• Stop activities that cause or contribute to adverse impacts on RBC issues, and develop and implement a plan that prevents and mitigates potential adverse impacts.</li> <li>• Develop and implement a plan to prevent or mitigate actual or potential adverse impacts directly linked to the company operations, products or services by a business relationship.</li> </ul>
<b>4. Track implementation and results</b>	<ul style="list-style-type: none"> <li>• Track the implementation and effectiveness of the company's due diligence activities.</li> <li>• Use the lessons learned from tracking to improve processes in the future.</li> </ul>
<b>5. Communicate how impacts are addressed</b>	<ul style="list-style-type: none"> <li>• Communicate externally relevant information on due diligence policies, processes, activities conducted to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities.</li> </ul>
<b>6. Provide for or cooperate in remediation when appropriate</b>	<ul style="list-style-type: none"> <li>• When the company identifies that it has caused or contributed to actual adverse impacts, address such impacts by providing for or cooperating in their remediation.</li> <li>• When appropriate, provide for or cooperate with legitimate remediation mechanisms through which impacted stakeholders and rights holders can raise complaints and seek to have them addressed with the company.</li> </ul>

